

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ROBERT C. DOUGHRITY and DEPARTMENT OF DEFENSE,  
DEFENSE FINANCE & ACCOUNTING SERVICE, Denver, Colo.

*Docket No. 97-2260; Submitted on the Record;  
Issued April 19, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant sustained a heart attack while in the performance of duty.

In a decision dated April 18, 1997, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he had failed to identify at least one compensable factor of employment.

The Board finds that this case is not in posture for a determination of whether appellant sustained a heart attack while in the performance of duty.

The Federal Employees' Compensation Act<sup>1</sup> does not cover every injury or illness that is somehow related to one's employment. When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is compensable. The disability is not compensable, however, when it results from such factors as an employee's fear of a reduction-in-force or her frustration from not being permitted to work in a particular environment or to hold a particular position.<sup>2</sup>

In the statement accompanying his claim form, appellant implicated compensable factors of employment. He stated that in early 1993 the initiation of suspense dates for processing by-other and for-other cycles caused pressure because there were no contracts/obligating documents for a large percentage of for-other cycles. "A great deal of time had to be spent tracking down those documents, as well as additional time in processing the cycles to meet the deadline," appellant explained. Appellant also reported that work was further complicated in or around February or March 1994 when a team from DFAS/DE, assisting with the backlog, made adjustments to contracts without making annotations to appellant's contract folders. "A couple

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Lillian Cutler*, 28 ECAB 125, 129, 131 (1976).

of month after the DFAS team left,” appellant stated, “I found it more difficult and frustrating to reconcile many of my contracts.” Around this same time more material was sent to be used to reconcile the contracts. “As a result, more work and more frustration, because more time had to be spent calling the contracting offices for obligating documents.” Appellant stated that a higher percentage of cycles being processed needed to be achieved and that the slow response time from contacts became stressful at times. Appellant implicated deadlines set for the review and processing into the accounting system of some of the earlier contracts that were reconciled. He implicated cycles processed without sufficient funding, adding more paperwork, pressure and frustration.

While an emotional reaction to the threat of possible unemployment or the uncertainty as to which bases would be closed or consolidated is not within the scope of the Act, appellant’s reaction to regular or specially-assigned work duties or to requirement imposed by the employment would be compensable. The Board will set aside the Office’s April 18, 1997 decision and remand the case for further development on the issue of whether the implicated factors of employment are established and, if so, caused or contributed to appellant’s heart attack.<sup>3</sup> After such further development as may be necessary, the Office shall issue an appropriate final decision on appellant’s claim.

The April 18, 1997 decision of the Office of Workers’ Compensation Programs is set aside and the case remanded for further action consistent with this opinion.

Dated, Washington, D.C.

April 19, 1999

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

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<sup>3</sup> See *Janie Lee Ryan*, 40 ECAB 812 (1989).